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DDA SUBJECT FILE COPY

ADDA _____ 10 FEB 1986

DDA _____

DDA REGISTRY

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ROUTING AND TRANSMITTAL SLIP

Date 12 FEB 1986

TO: (Name, office symbol, room number, building, Agency/Post)

Initials Date

1. DIRECTOR OF INFORMATION SERVICES

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS
#1 - ACTION

THE ATTACHED SHOULD ANSWER THE DCI'S
24 DECEMBER 1985 MEMO TO JOHN M. POINDEXTER.

IF THERE ARE ANY PROBLEMS, PLEASE ADVISE THE
DDA ASAP.

DO NOT use this form as a RECORD of approvals, concurrences, disposes,
FROM: Room No.—Bldg.
Phone No.

6041-16
* U.S.G.P.O.: (Rev. 4-21-52) 9/20
FORM 41 (Rev. 7-76)
PRINTED BY GSA
FROM 161 CFB 161-11-505

EXECUTIVE SECRETARIAT

ROUTING SLIP

TO:

	ACTION	INFO	DATE	INITIAL
1 DCI		X		
2 DDCI		X		
3 EXDIR		X		
4 D/ICS				
5 DDI				
6 DDA	X			
7 DDO				
8 DDS&T				
9 Chm/NIC				
10 GC		X		
11 IG				
12 Compt				
13 D/OLL		X		
14 D/PAO				
15 D/PERS				
16 VC/NIC				
17 D/OIS		X		
18 D/Security		X		
19 Chm/SECOM		X		
20				
21				
22				

SUSPENSE

Date

Remarks

To 6: This should answer DCI's 24 Dec 85 memo
to Poindexter. If there are any problems, please
advise ASAP.

3637 (10-81)

10 FEB 86
Date

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

91294

February 8, 1986

Executive Registry

86-0531X

STAT

MEMORANDUM FOR

Executive Secretary
Central Intelligence Agency

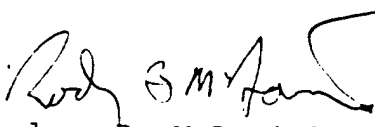
SUBJECT: CIA Classified Non-disclosure Agreement

There appears to be a misunderstanding between CIA and ISOO in the interpretation of the NSDD 84 provision requiring non-disclosure agreements to be in a format legally enforceable in civil actions brought by the United States. Pursuant to the NSDD, a classified non-disclosure agreement meeting this standard was developed by an interagency task force chaired by ISOO and attended by representatives of CIA, the DCI Security Committee and DOJ.

In mandating use of the new agreement, SF 189, it was recognized that some agencies already had more stringent non-disclosure agreements in use and thus a procedure to waive the requirement was provided. That procedure requires each agency using an alternate agreement to request a waiver from the NSC through the ISOO, whose responsibilities include ensuring the Department of Justice has determined that the respective form is enforceable and providing an Annual Report to the President on the progress of implementation of NSDD 84.

The DCI's memorandum of 24 December 1985, seems to suggest that the CIA is exempt from compliance with this provision relating to NSDD 84 as a result of section 102 (d) (3) of the National Security Act of 1947. There is, however, no apparent conflict between the provisions of the National Security Act and the necessity that CIA comply with this aspect of NSDD 84. In seeking agency wide compliance with the requirement to request a waiver from using SF 189, the ISOO Director, who under Executive Order 12356 receives policy direction from the NSC, is complying with instructions. The NSC recently directed ISOO to include in its Annual Report to the President an update on agency implementation of the SF 189.

The fact that the current CIA secrecy agreement is more stringent than the SF 189 in protecting classified information is evident from the fact that it has been determined to be legally enforceable. The requirement to use the NSDD 84 mandated SF 189 is therefore waived for the CIA, and the Director of ISOO will so note in his Annual Report to the President.


Rodney B. McDaniel
Executive Secretary